

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**BULLET PROOF TECHNOLOGY OF
TEXAS, LLC**

Plaintiff,

v.

RENTHAL LTD, et al.

Defendants.

Case No. 2:09-cv-00316-TJW-CE

JURY TRIAL DEMANDED

DOCKET CONTROL ORDER

In accordance with the case status conference held herein on the 7th day of May 2010, it is therefore ORDERED that the following schedule of deadlines is in effect until further order of this court:

September 4, 2012

Jury Selection - 9:00 a.m. in Marshall, Texas

August 28, 2012

Pretrial Conference - 2:00 p.m. in Marshall,
Texas

August 8, 2012

Joint Pretrial Order, Joint Proposed Jury Instructions and
Form of the Verdict.

August 15, 2012

Motions in Limine Due

The parties are ordered to **meet and confer** on their respective motions in limine and **advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before** the pretrial conference. The parties shall limit their motions *in limine* to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).

August 1, 2012

Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for

trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at ssimmons@yahoo.com

May 30, 2012

Response to Dispositive Motions (including *Daubert* motions)¹

Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.

May 2, 2012

For filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

April 27, 2012

Mediation to be completed

April 11, 2012

Defendant to Identify Trial Witnesses

April 4, 2012

Plaintiff to Identify Trial Witnesses

March 21, 2012

Discovery Deadline

90 Days after claim construction ruling
Designate Rebuttal Expert Witnesses other than claims Construction
Expert witness report due
Refer to Discovery Order for required information.

45 Days after claim construction ruling
Comply with P.R. 3-7

45 Days after claim construction ruling Party with the burden of proof to designate Expert Witnesses other than claims construction
Expert witness report due
Refer to Discovery Order for required information.

August 23, 2011

Claim construction hearing 9:00 a.m., **Marshall, Texas.**

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **14 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

August 13, 2011	Comply with P.R. 4-5(d)
July 18, 2011	Comply with P.R. 4-5(c).
July 11, 2010	Comply with P.R. 4-5(b).
June 27, 2011	Comply with P.R. 4-5(a).
June 13, 2011	Discovery deadline—claims construction issues
May 16, 2011	Respond to Amended Pleadings
May 2, 2011	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)
March 5, 2011	Comply with P.R. 4-3.
February 3, 2011	Comply with P.R. 4-2.
January 14, 2011	Comply with P.R. 4-1.
December 15, 2010	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
December 18, 2010	Join Additional Parties
August 18, 2010	Defendants to comply with P.R. 3-3 and 3-4
June 16, 2010	Plaintiff to comply with P.R. 3-1 and 3-2

LIMITATIONS ON MOTIONS PRACTICE

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing summary judgment motions. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted.

Motions to Strike Expert Testimony/Daubert Motions: Prior to filing any Motions to Strike or Daubert Motions, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than three (3) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing Motions to Strike or Daubert Motions. Answering letter briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than two (2) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted.

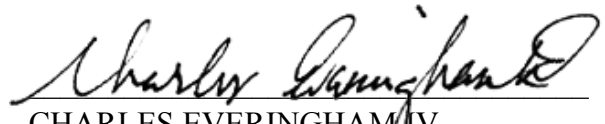
For all of the above mentioned motions, the letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;

- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 25th day of May, 2010.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE